

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: Civil Investigative Demand 19-127

No. 19 Misc. 346

ORDER

WHEREAS, the United States Department of Housing and Urban Development has provided and continues to provide funding through rental assistance programs to certain landlords in New York City in connection with some of their residential units;

WHEREAS, landlords receiving such funds are required to ensure that the subsidized housing is decent, safe, and sanitary, *see, e.g.*, 24 C.F.R. §§ 982.1, 982.401, 982.605, 983.4, 983.101, and to comply with applicable federal requirements regarding lead and lead-based paint, *see e.g.*, 24 C.F.R. part 35;

WHEREAS, the United States Attorney's Office for the Southern District of New York (the "Government") is investigating lead paint safety and other health and safety issues in housing owned by private landlords, including potential false claims for payment submitted by landlords in violation of the False Claims Act, 31 U.S.C. § 3729 *et seq.*;

WHEREAS, pursuant to the 31 U.S.C. § 3733, the Government issued a Civil Investigative Demand to the New York City Department of Health and Mental Hygiene ("NYC DOHMH") seeking information regarding individuals with elevated blood-lead levels in the certain landlords' properties ("CID 19-127");

WHEREAS NYC DOHMH wishes to cooperate with the Government's investigation and produce the documents called for by CID 19-127;

WHEREAS, NYC DOHMH has asserted that without a court order, Article 11 of the

NYC Health Code and/or Section 18 of the New York State Public Health Law prevent NYC DOHMH from producing certain information and documents responsive to CID 19-127 that reflect individuals' medical or individually identifiable information, patient information, and information from the New York City children's blood lead registry, which may be protected under Article 11 of the NYC Health Code and/or Section 18 of the New York State Public Health Law;

WHEREAS, NYC DOHMH nonetheless agrees that upon entry of a court order requiring production, it may produce such information and documents;

WHEREAS, NYC DOHMH does not oppose the Government's application for this order;

WHEREAS, the production of the information and documents responsive to CID 19-127 is in the interests of justice; and

WHEREAS, this Court has jurisdiction to enter an order enforcing the CID, 31 U.S.C. § 3733;

IT IS HEREBY ORDERED that:

1. NYCH DOHMH shall produce the information and documents responsive to CID 19-127, notwithstanding Article 11 of the NYC Health Code and Section 18 of the New York State Public Health Law;
2. This Order does not affect any objections that NYC DOHMH may have to the CID based on attorney-client privilege or any privilege against disclosure unrelated to Article 11 of the NYC Health Code and Section 18 of the New York

State Public Health Law.

Dated: New York, New York
July 22, 2019



J. PAUL OETKEN
United States District Judge